



REACH: preparing for the next step

New REACH legislation comes into force on 31 May 2013. **Malcolm Carroll**, Director of REACH Delivery, looks at its impact and the challenges ahead for manufacturing companies



required, along with other time consuming tasks.

To compound these challenges, there has been a wave of new REACH type health and safety regulations being established outside the EU – in China, Korea, Turkey and Switzerland. There have also been changes to domestic health and safety legislation – for example, in the US with updates to OSHA's Hazard Communication Standard (HazCom) and the Emergency Planning and Community Right-To-Know Act (EPCRA).

What these regulations have in common is the emphasis that they place on manufacturers and distributors providing more information about chemicals and their properties within MSDSs and ESs and ensuring that these documents and any other critical information are delivered directly to customers.

It is not always enough simply to send information in the post or by email as this only assumes they have reached the customer. There is often a need to implement the resources, systems and processes required to ensure the actual delivery of the documents to achieve compliance.

Another common element of these international regulations is the need to ensure that all employees within companies that may come into contact with hazardous materials are provided with the most current MSDSs and ESs to ensure the use of chemicals is consistent and safe. To comply with these regulations chemical companies and downstream users worldwide must now consider not only how they maintain compliance but also how they can demonstrate their compliance and – most importantly –

REACH applies to chemicals produced, bought or imported, or used in any stage of production, or sold within the EU





prove it, should any legal action arise.

To do this companies will need to have easily retrievable records and preferably audit trails of the MSDSs and ESs that have been sent and received by customers and their own staff. They will also need to demonstrate that new or updated documents have replaced previous versions both internally and externally, as well as maintaining past versions, and in many cases records that demonstrate compliance, for more than 30 years.

The additional workload in administration can be significant and needs to be anticipated. Furthermore, automated systems that address this workload need to be implemented by many smaller SMEs now.

OVERLAPPING DIRECTIVES

To add further complexity to the situation, there is a legislative overlap, mainly because the new international legislation has to co-exist most commonly with domestic health and safety directives. The supply and delivery of safety data sheets (SDSs), for example, will be addressed often in more than one legal requirement. For example, the UK Control of Substances Hazardous to Health (COSHH) regulations sit alongside REACH with both calling for risk assessments and utilising the information in SDSs.

Under EPCRA section 313 in the US, chemicals suppliers must notify customers of any hazardous chemicals present in mixtures or other trade name products that are distributed to facilities. The notice must be provided to the receiving facility and may be attached or incorporated into that product's MSDS. If no MSDS is required, the notification must be in a letter that contains specific information and accompanies or precedes the first shipment of the product to a facility.

MSDSs are also covered by the OSHA regulations. These regulations are aimed at making sure that the hazards of all chemicals imported into, produced or used in US workplaces are evaluated and that employees are given information about these hazards. OSHA requires all manufacturers, importers and distributors of hazardous chemicals to provide the appropriate labels and MSDSs to the employers (companies) to which they ship these chemicals. The revisions to HazCom have tightened up this legislation still further.

Every container of hazardous chemicals sent must be labelled, tagged or marked with the required information, accompanied by an MSDS at the time of the first delivery. Any updates must also be



sent to the customer. MSDSs must be readily accessible to employees when they are in their work areas during their work shifts.

The Workplace Hazardous Materials Information System (WHMIS) is Canada's national hazard communication standard. This communication standard addresses workers' 'right to know', insisting that the MSDSs are readily available to workers who may be exposed to a controlled product. In Japan, the CSCL, PDSC and PRTR legislation outlines specific requirement for information delivery throughout the supply chain.

In Korea, the standard for the classification and labelling of chemical substances and MSDSs requires not only that the supplier should provide an MSDS to the customer, but also that the recipient has an obligation to provide a confirmation of receipt back to the sender. Similarly in China, 'China GHS' requires that MSDSs are communicated to downstream users and that updates are provided as new information on hazards arises.

Australia's model work, health and safety laws set out the obligation to prepare and maintain up to date information on an MSDS, and to provide it to all customers or any person likely to be affected by a chemical.

Thus, the issue of how MSDSs should be supplied and delivered to customers is being addressed in more than one piece of legislation. The requirements can vary globally, although many of the newer rules are, as was expected, far more stringent. One thing is clear: global legislation is

moving in the same direction as REACH and the onus is firmly on suppliers to ensure their customers are supplied with MSDSs, ESs and other critical safety information. Often, there is a requirement actually to deliver, rather than simply send, these documents.

EASY COMPLIANCE AUTOMATION

There is also a need to ensure that all personnel within an organisation that may come into contact with hazardous materials are provided with the most current MSDSs and ESs and are using chemicals safely, consistently and correctly. The need for systems to aid and automate this process is very clear.

One such system is the new REACH Delivery 2013 edition, which is designed to enable companies to comply with all relevant international and domestic legislation easily and cost effectively. This system supports the sending, receiving, internal distribution and automated update of MSDSs and associated documents for large and small companies alike. It meets the various legislative requirements by guaranteeing delivery and monitoring and auditing actual receipt by customers and staff, as well as ensuring that the latest version of the document is always available.

PEACE OF MIND

Companies around the world are using this system to automate the sending and updating of their documents, although their customers can still receive them by email, or they too can use REACH Delivery to receive – and send – their documents. Either way, they are able to monitor, track and report on the process, while retaining a delivery status on all documents sent to and received by their customers.

To demonstrate compliance, or in the event of a dispute, users will always be able to access complete audit trails (with time and date stamps, version numbers, etc). The saving in time and cost of administering MSDSs and other important documents under the new legislation is considerable.

Compliance with REACH 2013 and other health and safety legislation is a challenge that many organisations are now facing. But with the right systems in place companies can have peace of mind that they are compliant in terms of the delivery of critical safety information to their customers and staff. **cb**

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